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P.R. No. Y.V.P. Rao
Presented by D. Rao
dated 31/5/06

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. 4847 OF 2006

SINGLE BENCH

BETWEEN

1. Smt. Patrika Dansena D/o Shri Babulal Dansena , aged about 32 years, originally appointed on the post of compounder on contract basis , presently working at Tarkela , Block Raigarh , District Raigarh , resident of Village Chapora, Via Malkharoda Tahsil and district Janjgir Champa (CG).
2. Chudamani Dubey S/o Shri Sant Dayal Dubey , aged about 35 years, originally appointed on the post of compounder on contract basis , presently Working at Government Ayurved Dispensary Tarapur, Block Raigarh , District Raigarh , resident of Village and Post Putkapuri Tahsil and District Raigarh (CG).
3. Vijay Behra S/o Narendra Kumar Behra, aged about 32 years, originally appointed on the post of compounder on contract basis , presently Working at Government Ayurved Dispensary Urba, Block Tamnar , District Raigarh (CG) r/o Jarekela, Via Tamnar District Raigarh (CG).
4. Jagdish Sidar S/o Kanhaiya Lal , aged about 37 years, originally appointed on the post of compounder on contract basis , presently Working at Ulkhar, Block Sarangarh , District Raigarh (CG), resident of Dahida Tahsil Sarangarh District Raigarh (CG).

PETITIONERS

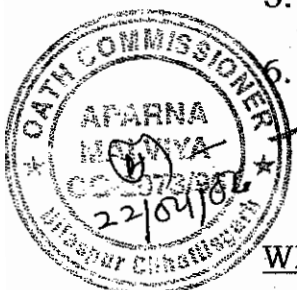
VERSUS

1. State of Chhattisgarh, Secretary Department of Health Services , D.K.S. Building Raipur (C.G.)
2. The Secretary, Panchayat and Rural Development Department, D.K.S. Building Raipur (CG).
3. The Director , Directorate of Indian Medicine System and Homeopathy Chhattisgarh, Raipur Near D.K.S. Mantralay , Raipur (CG).
4. District Ayurvedic Officer, Near Dr. Vishveshariya Hostel , Chakradhar Nagar Banglapara, Raigarh (CG).
5. The Collector, Raigarh (CG).
6. The Chief Executive Officer, District Panchayat (D.R.D.A.) Raigarh (CG).

RESPONDENTS

WRIT PETITION U/S 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 4847 OF 2006

Petitioners : Smt. Patrika Dansena & others

Versus

Respondents : State of Chhattisgarh & others

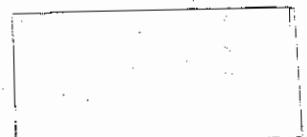
Shri Y.V. Raman Rao, counsel for the petitioners.

Shri Satish Gupta, Dy. Govt. Advocate for the State.

ORDER

(Passed on 6th September, 2006)

1. Learned counsel for the petitioners submits that the petitioners were appointed on 23.9.98 (Annexure P/3) as Contract Basis and their engagement are continuing.
2. The petitioners have filed this petition praying for a relief of regularization of their services.
3. On perusal of the papers, it is found that the appointments of the petitioners were not in accordance with law and as per constitutional scheme of employment. There was no invitation to the public for making application for appointments to the said posts. The petitioners were chosen without any advertisement or without calling his name from the Employment Exchange. It is, therefore, held that the appointments of the petitioners on



contract basis are in violation of the constitutional scheme enshrined under Articles 14 & 16 of the Constitution of India and the same are void in law.

4. A constitutional Bench of the Hon'ble Supreme Court in the case of Secretary, State of Karnataka & others Vs. Umadevi (3) and others {(2006) 4 SCC 1} clearly held that absorption, regularization, or permanent continuance of temporary, contractual, casual, daily-wage or ad hoc employees appointed/recruited and continued for long in public employment dehors the constitutional scheme of public employment create another mode of public employment which is not permissible. In the present case, the petitioners are daily wagers and are not appointed in accordance with law and as per the constitutional scheme of the public employment. Thus, they do not acquire any right for regularization.

5. For the reasons stated above, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge